

Original

000013

MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
NOVEMBER 13, 2000

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present
MINUTES OF PREVIOUS MEETING 1. November 6, 2000 city council 2. City Council Workshop, October 28, 2000. 3. City Council Workshop, October 30, 2000.	Approved as corrected. Approved as presented. Approved as presented.
AUDIENCE PARTICIPATION None.	
PRESENTATIONS/PETITIONS/COMMUNICATIONS None.	
CONSENT AGENDA 1. Approve November 13, 2000 claims in the amount of \$300,529.20; paid by check nos. 55277 through 55418 with check no. 55237 void.	Approved
ACTION ITEMS	
REVIEW BIDS None.	
PUBLIC HEARING 1. Cedars on 60 th Annexation; PA 0004013 2. 2001 Preliminary Budget Motion to allow no expenditures of funds for capital expenses on Strawberry Field or golf course prior to council workshop on same.	Approved. Approved Ordinance 2335 with Option 1. Approved Ordinance 2336 as amended. Approved
CURRENT BUSINESS 1. Inspection fees for DGR Short Plat, 80 th & 51 st Plat	Request to waive fees denied.
NEW BUSINESS None.	
LEGAL MATTERS None.	
ORDINANCES AND RESOLUTIONS	
1. An Ordinance of the City of Marysville Levying Taxes Upon All Property Real, Personal and Utility Subject to Taxation within the Corporate Limits of the City of Marysville, Washington for the Year 2001. (Ordinance to Be Distributed Upon Action by Council.)	Approved above.
2. An Ordinance of the City of Marysville Adopting a Budget for the City of Marysville, Washington, for the Year 2001 and Setting Forth in Summary Form the Totals of Estimated Revenues and Appropriations for Each Separate Fund and the Aggregate Totals of All Such Funds Combined. (Ordinance to Be Distributed Upon Action by Council.)	Approved above.
3. An Ordinance of the City of Marysville Amending MMC 7.05.050 and MMC 11.08.200 Relating to the Parking of Recreational Vehicles and Trucks.	Approved Ordinance 2337, as amended.
4. A Resolution of the City of Marysville Amending Resolution No. 1987 Granting a Utility Variance for Dujardin Development Company for Property Located at 108 th Street N.E. and 67 th Avenue N.E., Marysville, Washington.	Moved to correct language and bring back.
5. A Resolution of the City of Marysville Granting a Utility Variance for Darling Investment, LLC for Property at 71 st Avenue N.E. - Soper Hill Road, Marysville, Washington.	Approved Resolution 2009.
6. A Resolution of the City of Marysville Amending Resolution No. 1948 Granting an Extension of a Utility Variance for Brutus & Associates.	Approved Resolution 2010.
7. A Resolution of the City of Marysville Granting a Utility Variance for Equilon Enterprises, LLC for Property Located at 10210 State Avenue, Marysville, Washington.	Approved Resolution 2011.
8. A Resolution of the City of Marysville Granting a Utility Variance for Diane Bauer for Property Located at 13030 56 th Avenue N.E., Marysville, Washington.	Approved Resolution 2012.
9. A Resolution of the City of Marysville Amending Resolution No. 1976 and Granting a Utility Variance for Dennis G. Carlson for Property Located 4629 100 th Street N.E., Marysville, Washington.	Approved Resolution 2013.
10. A Resolution of the City of Marysville Granting a Utility Variance for Dale W. Glassett for Property Located at 5511 74 th Avenue N.E., Marysville, Washington.	Approved Resolution 2014.

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
NOVEMBER 13, 2000**

000014

11. A Resolution of the City of Marysville Granting a Utility Variance for Lanny Kelly/Meg Kelly Smith for Property Located at 5804-100 th Street N.E., Marysville, Washington.	Approved Resolution 2015.
INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers	
ADJOURN	10:22 p.m.

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
NOVEMBER 13, 2000**

CALL TO ORDER/FLAG SALUTE

The regular meeting was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
Dave Weiser, Mayor	Mary Swenson, Assistant City Administrator
Mike Leighan, Mayor Pro Tem	Steve Winters, Police Commander
Shirley Bartholomew	Gloria Hirashima, City Planner
Jim Brennick	Grant Weed, City Attorney
NormaJean Dierck	Ken Winckler, Public Works Director
Mike Leighan	Bob Noack, Interim Finance Director
Donna Pedersen	Owen Carter, City Engineer
Suzanne Smith	
John Soriano	

MINUTES OF PREVIOUS MEETING

1. City Council Meeting, November 6, 2000.

Councilmembers noted the following corrections:

- Page 3, third motion: "**MOTION** by Dierck, second by Bartholomew...."

MOTION by Bartholomew, second by Brennick, to approve the minutes of the November 6 meeting as corrected. Motion carried (7-0).

2. City Council Workshop, October 28, 2000.

MOTION by Dierck, second by Bartholomew, to approve the minutes of the October 28 workshop as presented. Motion carried (7-0).

3. City Council Workshop, October 30, 2000.

MOTION by Dierck, second by Bartholomew, to approve the minutes of the October 30 workshop as presented. Motion carried (7-0).

AUDIENCE PARTICIPATION

None.

CONSENT AGENDA

1. Approve November 13, 2000 claims in the amount of \$300,529.20; paid by check nos. 55277 through 55418 with check no. 55237 void.

MOTION by Bartholomew, second by Pedersen, to approve item 1. Motion carried (7-0).

PRESENTATIONS/PETITIONS/COMMUNICATIONS

None.

ACTION ITEMS**Review Bids**

None.

Public Hearing1. Cedars on 60th Annexation; PA 0004013

Ms. Hirashima gave a brief background presentation, noting the Planning Commission held a hearing to consider zoning and recommended approval of the prezone consistent with the Comprehensive Plan.

Councilmember Dierck asked about Heritage Place and another nearby development being annexed administratively. Ms. Hirashima explained those city-initiated proposals would go to the Boundary Review Board then come back for finalization within two to three months. Staff did a mailing to the area; two calls were received for information but no opinions were expressed regarding the annexation. She added that Allen Creek was adjacent to the proposed annexation but did not run through the seven acres. Councilmember Dierck noted that police protection was specifically mentioned in the annexation proposal and felt consideration of the request should wait until the budget was in place to ensure the city could afford it.

The Mayor called for public comments; there were none.

MOTION by Bartholomew, second by Pedersen, to approve the annexation and prezone, direct the city attorney to prepare a resolution and authorize transmittal of the annexation to the Snohomish County Boundary Review Board. Dierck voted nay for the stated reason that she desired to wait until the budget was approved for Police and Fire; all others voted aye; motion carried (6-1).

2. 2001 preliminary budget

Mr. Noack presented the background material, noting the process had begun in March. Adequate public notice was given regarding this budget hearing, but only three copies of the budget had been picked up – by the Herald, the Globe, and a consulting firm. He gave a detailed presentation of the budget information, noting that the amount for Fire needed to be increased by an additional \$8,000 based on assessed valuation change.

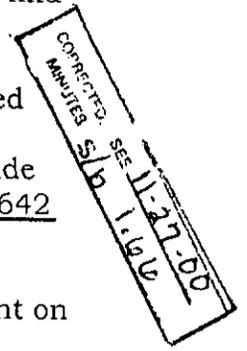
Councilmember comments and questions included the following:

- *Was the City Planner comfortable with budgeted staffing levels given the need to devote staff time to comp plan amendments?* Ms. Hirashima stated her department was in the process of filling one open position and she was comfortable with the budgeted amounts.
- *What percentage of the total budget was devoted to law and justice, including dispatch and the payment to Snohomish County for 800 MHz and the court?* Mr. Noack responded that 62% to 63% of the total General Fund was devoted to those services.
- *Explain the \$42,500 decrease (page 11) for the golf course.* The debt service for the golf course had been overstated in the preliminary budget. An LID had been paid off when bonds were sold but had still been included (erroneously) in the preliminary version.
- *Should the city consider separate budget resolutions like the county council to ensure growth pays for itself?* The city had raised several fees since July, 1999. If I-722 was upheld, the city would have to reduce those and make refunds.

The Mayor opened the topic of the preliminary budget to public comments. There were none.

Mr. Noack then presented information on the proposed 2001 property tax ordinance, noting that the assessed valuation information was based on staff's best estimates as the county assessor would not have final numbers until mid-December.

Fire Chief Corn noted that since the county was unable to provide assessed valuations, the department did their own calculations, taking into consideration annexations and past history of new construction. To provide some certainty in the budget process, the city established a levy rate of 1.642 per \$1,000 of assessed valuation, whatever that ends up being.



MOTION by Smith, second by Dierck, to re-open public comment on the property tax ordinance. Motion carried (7-0).

John Nehring, 7033 64th Avenue NE, questioned the need for the 6% increase, but expressed support for Police and Fire as vital needs. He felt people had spoken against higher taxes by passing I-722.

Mr. Noack explained the timing of collecting property taxes, noting that the city must wait one to one-and-a-half years after an annexation before it begins collecting property taxes. In the meantime, it must provide police and fire protection.

Allen Huang, 7604 78th PL NE, questioned the increase in the Fire budget. Mayor Weiser responded that the Fire Department was a separate jurisdiction and their public hearing would be November 15. Mr. Huang asked if annexations were beneficial to the city. Mayor Weiser said residential areas generally required more in services than taxes collected; commercial and industrial paid more.

Jeff Seibert, 5004 80th Street, felt citizens were being asked to pay for growth.

There being no further comments, the Mayor closed the public comment portion of the hearing.

MOTION by Pedersen, second by Bartholomew, to approve Option 1 of Ordinance 2335.

DISCUSSION ON MOTION.

Councilmember Pedersen stated she had not supported property tax increases in the past, but based on the knowledgeable input council had received during the budget process she felt the city needed to bite the bullet and ensure it had sufficient income to pay its bills and employees.

Councilmember Bartholomew noted that many hours had been spent in a careful review of the proposed budget but with nearly two-thirds going to public safety, there was little room left to cut. She supported the 6% option.

Councilmember Soriano asked about Human Services. Ms. Swenson responded that it was \$20,000 in 1999, \$5,000 this year and \$10,000 in the proposed budget. This provided funding to the YMCA for before and after school programs, the food bank, literacy coalition, the senior center elder screen program, and others. A committee reviewed the grants that were submitted and recommended to council the allocations.

Councilmember Brennick asked if approving a 4% increase would be more responsive to the will of voters. Mr. Noack responded that council could choose no increase or a lesser percentage, but his opinion was that anything less than 6% would mean the city would not be taking care of its responsibilities.

Councilmember Leighan noted the many income items related to growth, such as increased property taxes, permit fees, park

mitigation fees, and suggested that if the city stopped growing the council would need to make serious cuts. Mr. Noack agreed.

Councilmember Smith suggested no cuts were made in the proposed budget, but she would be willing to support that and to put any increase to a vote of the people.

Councilmember Dierck said that during the discussions of school mitigation fees it was clear that growth did not pay for itself. She supported Option 2.

CALL FOR QUESTION. On a call for the question, council voted unanimously to cut off debate.

VOTE ON MOTION. On roll call vote, Smith and Dierck voted nay; all others voted aye; motion carried (5-2).

Councilmembers and staff joined in high praise for Mr. Noack's masterful leadership of the budget process.

Mr. Noack gave the background information on the budget ordinance, noting the budget was a plan and might need to be amended during the first part of 2001. He requested that Section 3 of the proposed ordinance be stricken as discussions were in progress on the pay classifications and grades. That information would be available before the end of the year and would be inside the budget constraints.

Ms. Swenson noted some concerns had been expressed regarding expending funds on Strawberry Fields and the golf course. A workshop would be scheduled to discuss these in depth, but any expenditures would require prior council approval.

MOTION by Pederson, second by Bartholomew, to approve the 2001 budget ordinance, No. 2336, as amended by striking Section 3. Motion carried (7-0).

MOTION by Dierck, second by Brennick, to allow no expenditure of funds for capital expenses on Strawberry Fields or the golf course until the council holds its workshop.

Councilmember Bartholomew clarified that she was not under contract to any other golf course; Mr. Weed advised she could participate in the vote.

VOTE ON MOTION. Leighan, Pedersen, and Bartholomew voted nay; all others voted aye; motion carried (4-3).

Current Business

1. Inspection fees for DGR Short Plat, 80th & 51st Plat

Mr. Carter presented the background information, noting staff recommended denial of applicant's request to waive the \$10,800 inspection fees.

Councilmember Pedersen stated she knew the applicant, Dr. Bernhart. Also, she had had a disagreement in the past with applicant's contractor. For those reasons she excused herself from the deliberations and left the room.

Mr. Carter noted that the city's request to lower the sewer line an additional two feet was made after the initial plans were approved but prior to any construction.

Craig Bernhart, 23413 39 Avenue SE, Bothell, reviewed the sequence of events in the project. He had determined to purchase the property and build the project based on the city's approval of his plans in April, 1998. They were

already committed when the city changed its requirements and asked that the sewer line be two feet lower. The lowered sewer line was for the city's benefit, so it could serve other areas. The lowering of the line caused them to be in the water table. He disputed the city's paperwork which supported the charges for inspections. He stated another problem was the result of a neighbor, Jeff Seibert, who filed several appeals regarding the project after the deadline had passed. There had also been vandalism at the site but he did not accuse Mr. Seibert of perpetrating it.

Councilmember Dierck commented that applicant's comments regarding Mr. Seibert were out of line. Mayor Weiser emphasized that he did not appreciate "bashing" of city staff or citizens. He called for public comments.

Jeff Seibert supported applicant paying for all inspection fees and the project had required a great deal of inspection time.

MOTION by Dierck, second by Brennick, to deny applicant's request to waive the \$10,800 in inspection fees. Smith voted nay; all others voted aye; motion carried (5-1).

Councilmember Pedersen returned to the room.

New Business

None.

Ordinances & Resolutions

1. An Ordinance of the City of Marysville Levying Taxes Upon All Property Real, Personal and Utility Subject to Taxation within the Corporate Limits of the City of Marysville, Washington for the Year 2001. (Ordinance to Be Distributed Upon Action by Council.)

MOTION by Pedersen, second by Leighan, to approve Ordinance
s/b 2335 2337. Dierck voted nay; all others voted aye; motion carried (6-1).
QW

2. An Ordinance of the City of Marysville Adopting a Budget for the City of Marysville, Washington, for the Year 2001 and Setting Forth in Summary Form the Totals of Estimated Revenues and Appropriations for Each Separate Fund and the Aggregate Totals of All Such Funds Combined. (Ordinance to Be Distributed Upon Action by Council.)

Approved under Public Hearing item 2.

3. An Ordinance of the City of Marysville Amending MMC 7.05.050 and MMC 11.08.200 Relating to the Parking of Recreational Vehicles and Trucks.

MOTION by Pedersen, second by Leighan, to approve Ordinance 2337. Dierck voted nay; all others voted aye; motion carried (6-1).

MOTION by Leighan, second by Bartholomew, to reconsider Ordinance 2337 and strike the language of Section 2, paragraph 2. Dierck voted nay; all others voted aye; motion carried (6-1).

4. A Resolution of the City of Marysville Amending Resolution No. 1987 Granting a Utility Variance for Dujardin Development Company for Property Located at 108th Street N.E. and 67th Avenue N.E., Marysville, Washington.

Councilmember Brennick questioned the location "top of the hill," asking if that was 167th or 108th. Mr. Winckler stated he was not certain of the street name. It was not 108th but a new street coming through the subdivision. He stated he would provide the exact description to the city attorney.

CORRECTED:
MINUTES
SEE 11-27-00
s/b 67th

MOTION by Bartholomew, second by Leighan, to approve Resolution 2009 with the last line of Section 1, paragraph 4, to be changed to "Southeast." Dierck, Smith, Brennick and Pedersen voted nay; all others voted aye; motion failed (3-4).

Mr. Weed noted that the variance itself had already received council's approval. The question before council was that of language, only.

MOTION by Leighan, second by Bartholomew, to bring back this Resolution with the corrected language and a more definite location of the gravity station. Dierck, Smith and Brennick voted nay; all others voted aye; motion carried (4-3).

5. A Resolution of the City of Marysville Granting a Utility Variance for Darling Investment, LLC for Property at 71st Avenue N.E. – Soper Hill Road, Marysville, Washington.

MOTION by Leighan, second by Bartholomew, to approve Resolution 2009. Dierck, Smith and Brennick voted nay; all others voted aye; motion carried (4-3).

6. A Resolution of the City of Marysville Amending Resolution No. 1948 Granting an Extension of a Utility Variance for Brutus & Associates.

MOTION by Bartholomew, second by Leighan, to approve Resolution 2010. Dierck and Smith voted nay; all others voted aye; motion carried (5-2).

7. A Resolution of the City of Marysville Granting a Utility Variance for Equilon Enterprises, LLC for Property Located at 10210 State Avenue, Marysville, Washington.

MOTION by Bartholomew, second by Dierck, to approve Resolution 2011. Motion carried (7-0).

8. A Resolution of the City of Marysville Granting a Utility Variance for Diane Bauer for Property Located at 13030 56th Avenue N.E., Marysville, Washington.

MOTION by Bartholomew, second by Leighan, to approve Resolution 2012. Dierck and Smith voted nay; all others voted aye; motion carried (5-2).

9. A Resolution of the City of Marysville Amending Resolution No. 1976 and Granting a Utility Variance for Dennis G. Carlson for Property Located 4629 100th Street N.E., Marysville, Washington.

MOTION by Bartholomew, second by Leighan, to approve Resolution 2013. Dierck and Smith voted nay; all others voted aye; motion carried (5-2).

10. A Resolution of the City of Marysville Granting a Utility Variance for Dale W. Glassett for Property Located at 5511 74th Avenue N.E., Marysville, Washington.

MOTION by Dierck, second by Bartholomew, to approve Resolution 2014. Motion carried (7-0).

11. A Resolution of the City of Marysville Granting a Utility Variance for Lanny Kelly/Meg Kelly Smith for Property Located at 5804-100th Street N.E., Marysville, Washington.

MOTION by Pedersen, second by Bartholomew, to approve Resolution 2015. Dierck and Smith voted nay; all others voted aye; motion carried (5-2).

LEGAL MATTERS

None.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's business

2. Staff's business

Ms. Swenson:

- A new date needed to be set for the joint meeting with the Park Board.
- The Park Board had recommended removal of two trees near the fountain at Comeford Park.

Mr. Weed:

- The State Court of Appeals was considering several decisions that affected cities: subdivisions, taxation and utility issues.

Mr. Winckler:

- Reminded that the Utility Committee meeting was November 16.

3. Call on councilmembers

Leighan:

- Stated street crews had done an excellent job keeping the leaves picked up.

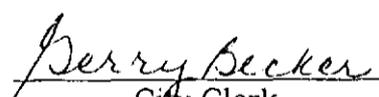
ADJOURN

Council adjourned at 10:22 p.m.

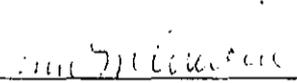
Accepted this 27th day of November, 2000.



 Mayor



 City Clerk



 Recording Secretary